

**REMARKS**

**I. Introduction**

Applicant herein adds claim 9 and cancels claim 3, without prejudice. Accordingly, claims 1, 2 and 4 to 9 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acceptance of the drawings filed on November 21, 2001.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all of the certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1440 paper and cited references.

**II. Amendments to the Drawings**

Applicant herein submits a Replacement Drawing and an Annotated Sheet Showing Changes, both including Figures 1 to 5. Element 13 has been added to Figures 2 and 4. No new matter has been added. See the Specification, for example, at p. 5, lines 13 to 14.

**III. Objection to the Specification**

The Specification was objected to due to an alleged informality. Applicant submits that the Specification, as amended, overcomes the objection to the Specification. Therefore, withdrawal of the objection to the Specification is respectfully requested.

**IV. Rejection of Claim 1 Under 35 U.S.C. § 102(b)**

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,483,720 ("Decoopman et al."). Applicant respectfully submits that claim 1 is allowable for at least the following reasons.

Claim 1 relates to a wet floor wiping device. Claim 1 recites that the wiping device includes a mop made of absorbent material, a mop frame including a center carrier piece attached to a handle and two mop carrier wings. Claim 1 further

recites that each wing is pivotably mounted by a hinge edge of the center carrier piece. Claim 1 further recites that the carrier wings have inner surfaces which carry the mop and which can be pressed against each other by way of squeezing. Claim 1 further recites that at least one of two side edges extending from the hinge edge is slanted toward the opposite side edge. Claim 1 has been amended to recite that the two mop carrier wings are quadrilateral shaped. No new matter has been added. See, for example, Figures 4 and 5 and p. 4, lines 12 to 13.

Decoopman et al. purportedly relate to a sponge mop. Decoopman et al. state that the mop includes a support element 13 including two lateral wings 12 and 13 pivotally mounted about at least one front-and-back axis A, A'. See col. 6, lines 55 to 58. Nowhere do Decoopman et al. disclose, or even suggest, at least one of two side carrier wing edges extending from the hinge edge that is slanted toward the opposite side edge, as recited in claim 1. Therefore, Applicant submits that Decoopman et al. do not disclose, or even suggest, all of the limitations of claim 1.

The Office Action alleges that one of the side edges extending from the hinge edge is slanted toward the opposite side edge. See Office Action at p. 3, par. 3. Respectfully, the side edges of wings 12 and 13 are parallel and, therefore, are not slanted towards each other. See, for example, Figure 3, where the distance between side edges is a constant 1.75 inches.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Decoopman et al. do not disclose, or even suggest, at least one of two side carrier wing edges extending from the hinge edge that is slanted toward the opposite side edge, as recited in claim 1.

Additionally, to reject a claim under 35 U.S.C. § 102, the Examiner must demonstrate that each and every claim limitation is contained in a single prior art reference. See, Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). Still further, not only must each of the

claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See, Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). In particular, it is respectfully submitted that, at least for the reasons discussed above, Decoopman et al. would not enable a person having ordinary skill in the art to practice the invention of claim 1, as discussed above. Accordingly, the anticipation rejection as to the rejected claims must necessarily fail for the foregoing reasons.

To the extent that the Examiner is relying on the doctrine of inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flows from the teachings of the applied art." M.P.E.P. § 2112 (emphasis in original); and see, Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic. Therefore, it is respectfully submitted that Decoopman et al. do not anticipate independent claim 1. Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection and allowance of independent claim 1 is respectfully requested.

#### V. Rejection of Claims 1 and 2 Under 35 U.S.C. § 102(b)

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,896,613 ("Courtney et al."). Applicant respectfully submits that claim 1 is allowable for at least the following reasons.

Claim 2 depends on claim 1 and further recites that each mop carrier wing forms a trapezoid with an included right angle, the larger base line of which forms the hinge edge.

Courtney et al. purportedly relate to a floor mop with a scrub strip. Courtney et al. state that the mop includes an elongated handle 12, a mop head 14 and an actuation member 16. See col. 2, lines 36 to 39. Mop head 14 is stated to include first and second presser plates 18, 20 mounted to a mounting plate 22. See col. 2, lines 42 to 44. The first and second presser plates 18, 20 are stated to be mounted for pivotal movement relative to the mounting plate 22 at respective pivot points defined by pins 24, 26 located adjacent to the lower end of the mop handle 12. See Fig. 5 and col. 2, lines 44 to 49.

Applicant respectfully submits that Courtney et al. do not disclose, or even suggest, carrier wings pivotably mounted by a hinge edge of the center carrier piece attached to a handle, as recited in claim 1. As indicated above, presser plates 18, 20 are stated to be mounted for pivotal movement, not by a hinge edge of a center carrier piece, but rather by pins 24, 26, which are located adjacent to the lower end of the mop handle and which pass through a vertically descending portion of mounting plate 22. See Fig. 5 and col. 2, lines 44 to 49. Therefore, Courtney et al. do not disclose all of the limitations of claim 1 and, thus, do not anticipate claim 1. Therefore, withdrawal of the 35 U.S.C. § 102 (b) rejection and allowance of claim 1 is respectfully requested.

As for claim 2, which depends on claim 1 and therefore includes all of the limitations of claim 1, Applicant submits that this claim is patentable over Courtney et al. for at least the reasons provided above in support of the patentability of claim 1. Applicant further submits that Courtney et al. do not disclose, or even suggest, that each mop carrier wing forms a trapezoid with an included right angle, the larger base line of which forms the hinge edge, as recited in claim 2. Therefore, withdrawal of the 35 U.S.C. § 102 (b) rejection and allowance of claim 2 is respectfully requested.

#### **VI. Rejection of Claim 1 Under 35 U.S.C. § 102(b)**

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,893,369 ("Johnson"). Applicant respectfully submits that claim 1 is allowable for at least the following reasons.

Johnson purportedly relates to a utensil for floor cleaning. Johnson states that the utensil includes a sponge attached by clips to the handles of a hinged holder 1. See Abstract. Applicant respectfully submits that Johnson does not disclose, or even suggest, two quadrilateral shaped mop carrier wings, as recited in amended claim 1.

Holder 1 is a rectangle with triangle ends on the shorter sides of the rectangle. See Figure 4. Therefore, Applicant respectfully submits that Johnson does not disclose all of the limitations of claim 1 and, thus, does not anticipate claim 1. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claim 1 is respectfully requested.

#### **VII. Rejection of Claims 1 and 3 Under 35 U.S.C. § 102(b)**

Claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,625,918 ("Kieson et al."). Claim 3 has been canceled thus rendering the rejection of this claim moot. Applicant respectfully submits that claim 1 is allowable for at least the following reasons.

Kieson et al. purportedly relate to a multiple head wringer mop. Kieson et al. state that the mop includes an handle 10 and a sponge plate 52. See col. 3, lines 1 to 3. Further, sponge plate 52 is stated to include two triangular shaped sponge plates. See col. 4, lines 58 to 65. Applicant respectfully submits that Kieson et al. do not disclose, or even suggest, two quadrilateral shaped mop carrier wings, as recited in amended claim 1. Therefore, Applicant respectfully submits that Kieson et al. do not disclose all of the limitations of claim 1 and, thus, do not anticipate claim 1. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claim 1 is respectfully requested.

#### **VIII. Rejection of Claims 4 to 7 Under 35 U.S.C. § 103(a)**

Claims 4 to 7 were rejected under 35 U.S.C. 103(a) as being obvious over Courtney et al. in view of U.S. Patent No. 3,271,804 ("Tillinghast"). Applicant respectfully submits that claims 4 to 7 are allowable for at least the following reasons.

Claim 4 depends on claim 1 and further recites that each mop carrier wing has an interior surface having water drain grooves which run toward the slanted side edge.

Claim 5 depends on claim 4 and further recites that the water drain grooves are arranged parallel one to another.

Claim 6 depends on claim 4 and further recites that the water drain grooves run at an angle to the hinge edge.

Claim 7 depends on claim 4 and further recites that the water drain grooves run at an angle to the hinge edge.

Tillinghast purportedly relates to a sponge mop and wringer. Tillinghast states that the mop includes hingedly connected plates 21, 22 connected via hinge pin 25. See col. 1, lines 61 to 69. Plates 21, 22 are stated to be provided with slots or openings 27. See col. 2, lines 1 to 2. Bracket 48 on plate 22 and portion 33 on plate 21 are stated to connect to handle 35. See col. 2, lines 9 to 13 and lines 33 to 35.

Applicant submits that the combination of Courtney et al. and Tillinghast

does not disclose, or even suggest, all of the limitations of claim 1, from which claims 4 to 7 depend. Specifically, neither Courtney et al. nor Tillinghast disclose, or even suggest, carrier wings pivotably mounted by a hinge edge of the center carrier piece attached to a handle, as recited in claim 1. As indicated above regarding Courtney et al., presser plates 18, 20 are stated to be mounted for pivotal movement, not by a hinge edge of a center carrier piece, but rather by pins 24, 26, which are located adjacent to the lower end of the mop handle and which pass through a vertically descending portion of mounting plate 22. See Fig. 5 and col. 2, lines 44 to 49. Regarding Tillinghast, plates 21, 22 are stated to be connected via hinge pin 25 and not a center carrier piece. See col. 1, lines 61 to 69.

Applicant further submits that the combination of Courtney et al. and Tillinghast does not disclose, or even suggest, that each mop carrier wing has an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, let alone that the water drain grooves are arranged parallel one to another, as recited in claim 5, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 6, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 7. The Office Action admits that Courtney et al. does not disclose water drain grooves but alleges that the slots or openings 27 of Tillinghast qualify as water drain grooves. See Office Action at p. 5. Respectfully, Tillinghast slots or openings 27 which extend all the way through plates 21, 22 do not qualify as water drain grooves in an interior surface of a plate, as recited in claim 4. As indicated in the Specification, grooves 11 are configured such that water flows in them toward the angled side. See p. 4, lines 18 to 29. Applicant submits that slots or openings 27 would pass water to an exterior side of the carrier plate as opposed to shuttling water to the angled side. Therefore, Applicant submits that the combination of Courtney et al. and Tillinghast does not disclose, or even suggest, water drain grooves in an interior surface of a plate, as recited in claims 4 to 7.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to

make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As more fully set forth above, none of the references disclose, or even suggest, all of the features of claims 4 to 7, particularly carrier wings pivotably mounted by a hinge edge of the center carrier piece attached to a handle, as recited in claim 1, from which claims 4 to 7 ultimately depend. Further, none of the references disclose, or even suggest, each mop carrier wing having an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, let alone that the water drain grooves are arranged parallel one to another, as recited in claim 5, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 6, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 7. It is therefore respectfully submitted that the references do not render obvious claims 4 to 7.

Moreover, it is respectfully submitted that the cases of In re Fine, supra, and In re Jones, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992), make plain that the Office Action's generalized assertions that it would have been obvious to modify or combine references do not properly support a § 103 rejection. It is respectfully submitted that those cases make plain that the Office Action reflects a subjective "obvious to try" standard, and therefore does not reflect the proper evidence to support an obviousness rejection based on the references relied upon. In particular, the Court in the case of In re Fine stated that:

The PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. This it has not done. . . .

**Instead, the Examiner relies on hindsight in reaching his obviousness determination. . . . One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.**

In re Fine, 5 U.S.P.Q.2d at 1598 to 1600 (citations omitted; italics in original; emphasis added). Likewise, the Court in the case of In re Jones stated that:

Before the PTO may combine the disclosures of two or more prior art references in order to establish *prima facie* obviousness, there must be some suggestion for doing so, found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. . . .

**Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill . . . would have been motivated to make the modifications . . . necessary to arrive at the claimed [invention].**

In re Jones, 21 U.S.P.Q.2d at 1943, 1944 (citations omitted; italics in original).

That is exactly the case here since it is believed and respectfully submitted that the present Office Action offers no evidence whatsoever, but only conclusory hindsight, reconstruction and speculation, which these cases have indicated does not constitute evidence that will support a proper obviousness finding. The Office Action's allegation "that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the plates of Courtney et al. to have the water drain grooves that Tillinghast teaches so as to better wring water from a sponge or absorbent material" (Office Action at p. 5), is completely unsupported and is based on Applicant's own application. Specifically, Applicant's Specification states the following:

In accordance with a preferred embodiment the inside surface of each mop carrier wing exhibits drain grooves which run toward the angled side edge. Thus water drainage to the angled side edge during the squeezing procedure is improved. Here it is particularly advantageous if the water drain grooves, arranged parallel one to another, for example, are positioned at an angle to the hinge edge. With this arrangement the water drain grooves are then, at the usual angled attitude for the wet floor wiping device adopted during the squeezing procedure, nearly aligned with the vertical-so that the water can flow downward unhindered. Water drainage can be further facilitated if the water drain grooves are made wider toward the angled side edge. Thus the share of the surface occupied by the grooves is greater in the areas distant from the pivot axis and consequently the required pressure is lower.

Page 4, lines 18 to 29. None of the patents or publications relied upon mention or refer to the motivation alleged in the Office Action for making the proposed combination.

The apparent reliance on Applicant's Specification makes plain that the present rejection is based on nothing more than hindsight. As stated by the Federal Circuit in the case of In re Dembiczak, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999):

Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. . . . Close adherence to this methodology is especially important in the case of less technologically complex inventions, where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher" . . . .

Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. . . . Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight.

In re Dembiczak, 50 U.S.P.Q.2d at 1617 (citations omitted).

Unsupported assertions are not evidence as to why a person having ordinary skill in the art would be motivated to modify or combine references to provide the claimed subject matter of the claims to address the problems met thereby. Accordingly, the Office must provide proper evidence of a motivation, outside of Applicant's application, for modifying or combining the references to provide the claimed subject matter. Merely stating that grooves allow for better wringing of water from a sponge or absorbent material does not provide sufficient motivation absent a teaching or suggestion of such a need. See Office Action at p. 5.

The Federal Circuit in the case of In re Kotzab has made plain that even if a claim concerns a "technologically simple concept" -- which is not the case here -- there still must be some finding as to the "specific understanding or principle within the knowledge of a skilled artisan" that would motivate a person having no knowledge of the claimed subject matter to "make the combination in the manner claimed," stating that:

In this case, the Examiner and the Board fell into the hindsight trap. The idea of a single sensor controlling multiple valves, as

opposed to multiple sensors controlling multiple valves, is a technologically simple concept. With this simple concept in mind, the Patent and Trademark Office found prior art statements that in the abstract appeared to suggest the claimed limitation. But, there was no finding as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of Kotzab's invention to make the combination in the manner claimed. In light of our holding of the absence of a motivation to combine the teachings in Evans, we conclude that the Board did not make out a proper *prima facie* case of obviousness in rejecting [the] claims . . . under 35 U.S.C. Section 103(a) over Evans.

In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000) (emphasis added). Again, it is believed that there have been no such findings.

In view of all of the foregoing, it is respectfully submitted that the combination of Courtney et al. and Tillinghast does not render obvious claims 4 to 7. Therefore, withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 4 to 7 is respectfully requested.

#### **IX. Rejection of Claims 1, 2 and 4 to 7 Under 35 U.S.C. § 103(a)**

Claims 1, 2 and 4 to 7 were rejected under 35 U.S.C. 103(a) as being obvious over Tillinghast in view of Courtney et al. Applicant respectfully submits that claims 1, 2 and 4 to 7 are allowable for at least the following reasons.

The Office Action admits that Tillinghast does not disclose a carrier having a slanted edge but alleges, however, that Tillinghast discloses all of the other features of claims 1, 2 and 4 to 7 and that Courtney et al. teach a mop carrier having a slanted edge. See Office Action at pp. 5 to 6. Applicant respectfully disagrees and submits that the combination of Tillinghast and Courtney et al. does not disclose, or even suggest, carrier wings pivotably mounted by a hinge edge of the center carrier piece attached to a handle, as recited in claim 1. As indicated above, Courtney et al. presser plates 18, 20 are stated to be mounted for pivotal movement, not by a hinge edge of a center carrier piece, but rather by pins 24, 26, which are located adjacent to the lower end of the mop handle and which pass through a vertically descending portion of mounting plate 22. See Fig. 5 and col. 2, lines 44 to 49. Further, as indicated above, Tillinghast plates 21, 22 are stated to be connected via hinge pin 25 and not a center carrier piece, as recited in claim 1. See col. 1, lines

61 to 69. Therefore, the combination of Tillinghast and Courtney et al. does not disclose, or even suggest, all of the limitations of claim 1 and, thus, does not render obvious claim 1.

As for claims 2 and 4 to 7, which ultimately depend from claim 1 and therefore include all of the limitations of claim 1, it is respectfully submitted that the combination of Tillinghast and Courtney et al. does not render obvious these dependent claims for at least the same reasons given above in support of the patentability of claim 1. In re Fine, supra (any dependent claim that depends from a non-obvious independent claim is non-obvious). Applicant further submits that the combination of Tillinghast and Courtney et al. does not disclose, or even suggest, that each mop carrier wing forms a trapezoid with an included right angle, the larger base line of which forms the hinge edge, as recited in claim 2, that each mop carrier wing has an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, that the water drain grooves are arranged parallel one to another, as recited in claim 5, that the water drain grooves run at an angle to the hinge edge, as recited in claim 6, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 7.

Regarding motivation to combine, the Office Action offers no evidence whatsoever, but only conclusory hindsight, reconstruction and speculation, which does not constitute evidence that will support a proper obviousness finding. The Office Action's allegation "that it would have been obvious for one having ordinary skill in the art to modify Tillinghast by having a slanted edge instead of a straight edge of one of the carrier wings as Courtney et al. teaches so that the mop may have better cleaning access between corners or other difficult to reach crevices that need cleaning" (Office Action at p. 5), in no way suggests a motivation for each mop carrier wing to form a trapezoid with an included right angle, the larger base line of which forms the hinge edge, as recited in claim 2, for each mop carrier wing to have an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, for the water drain grooves to be arranged parallel one to another, as recited in claim 5, for the water drain grooves to run at an angle to the hinge edge, as recited in claim 6, or for the water drain grooves to run at an angle to the hinge edge, as recited in claim 7.

In view of all of the foregoing, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 1, 2 and 4 to 7.

**X. Rejection of Claims 4 to 7 Under 35 U.S.C. § 103(a)**

Claims 4 to 7 were rejected under 35 U.S.C. 103(a) as being obvious over Kieson et al. in view of Tillinghast. Applicant respectfully submits that claims 4 to 7 are allowable for at least the following reasons.

The Office Action admits that Kieson et al. do not disclose water drain grooves but alleges that Kieson et al. discloses all of the other features of claims 4 to 7 and that Tillinghast discloses water drain grooves. See Office Action at p. 6. Applicant submits that the combination of Kieson et al. and Tillinghast does not disclose, or even suggest, the combination of two equilateral shaped mop carrier wings pivotably mounted by a hinge edge of the center carrier piece, as recited in claim 1, from which claims 4 to 7 ultimately depend. Further, the combination of Kieson et al. and Tillinghast does not disclose, or even suggest, that each mop carrier wing has an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, let alone that the water drain grooves are arranged parallel one to another, as recited in claim 5, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 6, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 7. As indicated above, Tillinghast slots or openings 27 extend all the way through plates 21, 22, and thus, do not qualify as water drain grooves in an interior surface of a plate, as recited in claims 4 to 7. See col. 2, lines 1 to 2. Therefore, it is respectfully submitted that the combination of Kieson et al. and Tillinghast does not disclose all of the limitations of claims 4 to 7 and, thus, does not render obvious claims 4 to 7.

Regarding motivation to combine the references, the Office Action offers no evidence whatsoever, but only conclusory hindsight, reconstruction and speculation, which does not constitute evidence that will support a proper obviousness finding. The Office Action's allegation that it "would have been obvious for one of ordinary skill in the art to modify the plates of Kieson et al. to have the water drain grooves that Tillinghast teaches so as to better wring water from a sponge or absorbent material" (Office Action at p. 6), is not supported by the

references and is based on Applicant's own application. As indicated above, see the Specification, for example, at p. 4, lines 18 to 29.

In view of all of the foregoing, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 4 to 7.

**XI. Rejection of Claims 1 and 3 to 7 Under 35 U.S.C. § 103(a)**

Claims 1 and 3 to 7 were rejected under 35 U.S.C. 103(a) as being obvious over Tillinghast in view of Kieson et al. Claim 3 has been canceled thus rendering the rejection of this claim moot. Applicant respectfully submits that claims 1 and 4 to 7 are allowable for at least the following reasons.

The Office Action admits that Tillinghast does not disclose a slanted edge but alleges that Tillinghast discloses all of the other features of claims 1 and 3 to 7 and that Kieson et al. disclose a slanted edge. See Office Action at p. 6. Applicant submits that the combination of Kieson et al. and Tillinghast does not disclose, or even suggest, the combination of two equilateral shaped mop carrier wings pivotably mounted by a hinge edge of the center carrier piece, as recited in claim 1. In view of all of the foregoing, it is respectfully submitted that the combination of Kieson et al. and Tillinghast does not disclose all of the limitations of claim 1 and, thus, does not render obvious claim 1, as amended. Therefore, withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claim 1 is respectfully requested.

As for claims 4 to 7, which ultimately depend from claim 1 and therefore include all of the limitations of claim 1, it is respectfully submitted that the combination of Tillinghast and Kieson et al. does not render obvious these dependent claims for at least the same reasons given above in support of the patentability of claim 1. In re Fine, supra (any dependent claim that depends from a non-obvious independent claim is non-obvious).

Applicant further submits that the combination of Tillinghast and Kieson et al. does not disclose, or even suggest, that each mop carrier wing has an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, let alone that the water drain grooves are arranged parallel one to another, as recited in claim 5, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 6, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 7. As indicated above, Tillinghast slots or

openings 27 extend all the way through plates 21, 22, and thus, do not qualify as water drain grooves in an interior surface of a plate, as recited in claims 4 to 7. See col. 2, lines 1 to 2. Therefore, it is respectfully submitted that the combination of Tillinghast and Kieson et al. does not disclose all of the limitations of claims 4 to 7 and, thus, does not render obvious claims 4 to 7.

Regarding motivation to combine, the Office Action offers no evidence whatsoever, but only conclusory hindsight, reconstruction and speculation, which does not constitute evidence that will support a proper obviousness finding. The Office Action's allegation that it "would have been obvious for one of ordinary skill in the art to modify Tillinghast by having a slanted edge instead of a straight edge of one of the carrier wings as Kieson et al. teaches so that the mop may have better cleaning access between corners or other difficult to reach crevices that need cleaning" (Office Action at p. 6), in no way suggests a motivation for each mop carrier wing to have an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, for the water drain grooves to be arranged parallel one to another, as recited in claim 5, for the water drain grooves to run at an angle to the hinge edge, as recited in claim 6, or for the water drain grooves to run at an angle to the hinge edge, as recited in claim 7.

In view of all of the foregoing, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 1 and 4 to 7.

## XII. Rejection of Claims 4 to 7 Under 35 U.S.C. § 103(a)

Claims 4 to 7 were rejected under 35 U.S.C. 103(a) as being obvious over Courtney et al. in view of U.S. Patent No. 2,663,039 ("Bagley, Jr."). Applicant respectfully submits that claims 4 to 7 are allowable for at least the following reasons.

Bagley, Jr. purportedly relates to a mop having hinged backing plates for wringing. Bagley, Jr. states that the mop includes a spiral hinge member 10 for hingedly connecting together plate members 2 and 4. See col. 2, lines 12 to 14. Handle 16 is stated to connect to members 26 on plate members 2 and 4. See Figs. 1 and 3 and col. 3, lines 26 to 33. Plate members 2 and 4 are stated to have openings 14. See col. 3, lines 11 to 13.

Applicant submits that the combination of Courtney et al. and Bagley, Jr.

does not disclose, or even suggest, all of the limitations of claim 1, from which claims 4 to 7 depend. Specifically, neither Courtney et al. nor Bagley, Jr. disclose, or even suggest, carrier wings pivotably mounted by a hinge edge of the center carrier piece attached to a handle, as recited in claim 1. As indicated above, Courtney et al. presser plates 18, 20 are stated to be mounted for pivotal movement, not by a hinge edge of a center carrier piece, but rather by pins 24, 26, which are located adjacent to the lower end of the mop handle and which pass through a vertically descending portion of mounting plate 22. See Fig. 5 and col. 2, lines 44 to 49. Further, as indicated above, Bagley, Jr. handle 16 is stated to be connected to members 26 on plate members 2 and 4 and spiral hinge member 10 is not stated to connect either plate member 2 or 4. See Figs. 1 and 3 and col. 3, lines 26 to 33.

Applicant further submits that the combination of Courtney et al. and Bagley, Jr. do not disclose, or even suggest, that each mop carrier wing has an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, let alone that the water drain grooves are arranged parallel one to another, as recited in claim 5, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 6, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 7. The Office Action admits that Courtney et al. does not disclose water drain grooves but alleges that Courtney et al. disclose all of the other features of claims 4 to 7 and that the openings 14 of Bagley, Jr. qualify as water drain grooves. See Office Action at p. 7. Respectfully, openings 14 which extend all the way through plates 2 and 4 do not qualify as water drain grooves in an interior surface of a plate, as recited in claims 4 to 7. As indicated in the Specification, grooves 11 are configured such that water flows in them toward the angled side. See p. 4, lines 18 to 29. Applicant submits that openings 14 would pass water to an exterior side of the carrier plate as opposed to shuttling water to the angled side. Therefore, Applicant submits that the combination of Courtney et al. and Bagley, Jr. does not disclose, or even suggest, all of the limitations of claims 4 to 7 and, thus, does not render obvious claims 4 to 7.

Regarding motivation to combine, the Office Action offers no evidence whatsoever, but only conclusory hindsight, reconstruction and speculation, which does not constitute evidence that will support a proper obviousness finding. The Office Action's allegation that it "would have been obvious for one of ordinary skill in the art to modify the plates of Courtney et al. to have the water drain grooves that

Bagley, Jr. teaches so as to better wring water from a sponge or absorbent material" (Office Action at p. 7), is not supported by the references and is based on Applicant's own application. As indicated above, see the Specification, for example, at p. 4, lines 18 to 29.

In view of all of the foregoing, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 4 to 7.

### XIII. Rejection of Claims 4 to 7 Under 35 U.S.C. § 103(a)

Claims 4 to 7 were rejected under 35 U.S.C. 103(a) as being obvious over Kieson et al. in view of Bagley, Jr. Applicant respectfully submits that claims 4 to 7 are allowable for at least the following reasons.

Applicant submits that the combination of Kieson et al. and Tillinghast does not disclose, or even suggest, the combination of two equilateral shaped mop carrier wings pivotably mounted by a hinge edge of the center carrier piece, as recited in claim 1, from which claims 4 to 7 ultimately depend. As indicated above, Kieson et al. sponge plate 52 is stated to include two triangular shaped sponge plates. See col. 4, lines 58 to 65. Further, Bagley, Jr. handle 16 is stated to be connected to members 26 on plate members 2 and 4 and spiral hinge member 10 is not stated to connect either plate member 2 or 4. See Figs. 1 and 3 and col. 3, lines 26 to 33. Therefore, Applicant respectfully submits that the combination of Kieson et al. and Bagley, Jr. does not disclose, or even suggest, two quadrilateral shaped mop carrier wings mounted by a hinge edge of a center carrier piece, as recited in amended claim 1, from which claims 4 to 7 ultimately depend.

Applicant further submits that the combination of Kieson et al. and Bagley, Jr. does not disclose, or even suggest, that each mop carrier wing has an interior surface having water drain grooves which run toward the slanted side edge, as recited in claim 4, let alone that the water drain grooves are arranged parallel one to another, as recited in claim 5, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 6, or that the water drain grooves run at an angle to the hinge edge, as recited in claim 7. The Office Action admits that Kieson et al. does not disclose water drain grooves but alleges that Kieson et al. disclose all of the other features of claims 4 to 7 and that the openings 14 of Bagley, Jr. qualify as water drain grooves. See Office Action at p. 7. Respectfully, Bagley, Jr. openings 14 extend all the way through plates 2 and 4 and, thus, do not qualify

as water drain grooves in an interior surface of a plate, as recited in claims 4 to 7. As indicated in the Specification, grooves 11 are configured such that water flows in them toward the angled side. See p. 4, lines 18 to 29. Applicant submits that openings 14 would pass water to an exterior side of the carrier plate as opposed to shuttling water to the angled side. Therefore, Applicant submits that the combination of Kieson et al. and Bagley, Jr. does not disclose, or even suggest, all of the limitations of claims 4 to 7 and, thus, does not render obvious claims 4 to 7.

Regarding motivation to combine, the Office Action offers no evidence whatsoever, but only conclusory hindsight, reconstruction and speculation, which does not constitute evidence that will support a proper obviousness finding. The Office Action's allegation that it "would have been obvious for one of ordinary skill in the art to modify the plates of Kieson et al. to have the water drain grooves that Bagley, Jr. teaches so as to better wring water from a sponge or absorbent material" (Office Action at p. 7), is not supported by the references and is based on Applicant's own application. As indicated above, see the Specification, for example, at p. 4, lines 18 to 29.

In view of all of the foregoing, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of claims 4 to 7.

#### **XIV. Allowable Subject Matter**

Applicant notes with appreciation the indication of allowable subject matter contained in claim 8. The Examiner will note that claim 8 has been rewritten herein in independent form to include all of the limitations of its respective base claim and any intervening claims. It is therefore respectfully submitted that claim 8 is in condition for immediate allowance.

#### **XV. New Claims 9 and 10**

New claims 9 and 10 have been added herein. It is respectfully submitted that new claims 9 and 10 do not add any new matter and are fully supported by the present application, including the Specification. Because claims 9 and 10 contain features analogous to claims 1 and 4 it is respectfully submitted that claims 9 and 10 are allowable for at least the same reasons submitted above in support of the patentability of claims 1 and 4.

**XVI. Conclusion**

Applicant respectfully submits that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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